



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

HD:hd

Docket No: 03558-99

9 November 1999

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: LT [REDACTED], USN [REDACTED]  
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 24 May 99 w/attachments  
(2) PERS-311 memo dtd 8 Sep 99  
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected by removing the original fitness report for 1 March to 31 August 1997, together with a letter transmitting a supplemental report for the same period, so that the supplemental report will be the only report in the record for this period. Copies of the original report, the letter of transmittal and the supplemental report are at Tabs A, B, and C respectively.

2. The Board, consisting of Messrs. McCulloch, Pfeiffer and Zsalmán, reviewed Petitioner's allegations of error and injustice on 4 November 1999, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In correspondence attached as enclosure (2), the Navy Personnel Command office having cognizance over fitness report matters has commented to the effect that Petitioner's request has merit and warrants favorable action.

**CONCLUSION:**

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action.

**RECOMMENDATION:**

a. That Petitioner's naval record be corrected by removing therefrom the following original fitness report and related material, including the transmittal letter dated 12 September 1997, leaving in the record the supplemental report covering the same period:


Date of Report	Reporting Senior	Period From	of Report To
97Sep01		USN 97Mar01	97Aug31

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder

  
JONATHAN S. RUSKIN  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFEIFFER  
Executive Director



**DEPARTMENT OF THE NAVY**  
**NAVY PERSONNEL COMMAND**  
**5720 INTEGRITY DRIVE**  
**MILLINGTON TN 38055-0000**

3558-99

1610  
PERS-311  
8 September 1999

**MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS**

Via: PERS/BCNR Coordinator (PERS-00XCB)

Subj: [REDACTED]

Ref: (a) BUPERSINST 1610.10 EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests the removal of his fitness report for the period 1 March 1997 to 31 August 1997 and replace it with a supplemental report for the same period.

2. Based on our review of the material provided, we find the following:


a. A review of the member's headquarters record revealed both the original and supplemental report to be on file with the required cover letter. Both reports are signed by the member acknowledging the contents of each report and his right to submit a statement. The member did not desire to submit a statement.

b. The supplemental report changes block-42, summary group from "1" to "2". The member's promotion recommendation is the same on both reports.

c. The fitness report for the other officer in the summary group with Lieutenant Lally has also been supplemented.

d. The member proves the report to be in error.

3. We recommend approval of Lieutenant [REDACTED] to replace the original fitness report for the period 1 March 1997 to 31 August 1997 with the supplemental fitness report for the same period.

  
D. D. HARPER  
Head, Performance  
Evaluation Branch